

REMARKS

This Amendment is in response to the Office Action mailed December 17, 2004. This Amendment additionally serves to make of record, through summary thereof, the interview which took place between Examiner Ganey and the undersigned on March 1, 2005. As such, the summary of the interview, contained below, is believed to accurately set forth what transpired in the interview.

INTERVIEW SUMMARY

In the subject Office Action, the Examiner has rejected all of claims 1-8 under 35 USC § 112 and has additionally rejected claims 1-2 under 35 USC § 102 as being anticipated by Sasaki (USPN 4,634,121).

In the interview, Applicant's Attorney and the Examiner discussed amending the claims to correct issues pertinent to 35 USC 112 as well as to distinguish Applicant's invention over the cited art. Specifically, it was proposed to amend the claims to recite a "non-circular constriction" in place of the term "asymmetrical". Moreover, amendments to better define specific areas of the passageways were discussed as was an amendment to convert the claims into combination-type claims (reciting a "tubular member" in combination with "weights"). (Support for such amendments is found on pages 8 and 9 of the specification) Specifically, as discussed with the Examiner, such amendments are believed to now distinguish the claims from the cited art. In this regard, the Sasaki reference nowhere teaches the combination of a weight having a constriction in an aperture therein through which a tubular member (e.g. a straw) is inserted (with the

constriction serving to retain the weight on the tubular member). Furthermore, the Sasaki reference neither discloses nor attempts to address the problems in the art which are solved by Applicant's now claimed invention. For each of the foregoing reasons, then, claims 1-8 are now believed to recite allowable subject matter.

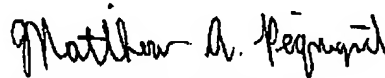
CONCLUSIONS

Applicant respectfully requests reconsideration of claims 1-8 and submits that in view of the interview and the amendments filed in reliance thereon, the Examiner's rejections under 35 USC sections 102 and 112 have been overcome. In view thereof, the Examiner is respectfully requested to withdraw the subject rejections and the allowance of claims 1-8 is hereby solicited

It is believed that no additional fees are due at this time. If this is in error, the Commissioner is hereby authorized to charge any such fee to Deposit Account 50-0555.

If the Examiner feels that a telephone conversation would assist in bringing this case to conclusion, he is invited to contact the undersigned telephonically.

Respectfully Submitted,



Dated: March 17, 2005

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I hereby certify that this paper is being transmitted by facsimile to Examiner
Ganey in Art Unit 3752 at the USPTO, Fax No. 703-872-9306 on the date shown below:



James Arnold, Jr. Reg. No. 55,980 March 17, 2005